Criminal Revision No. 147 of 2001
(Old No. 701/1991)

**Hon'ble Irshad Hussain, J.**

None appeared for the revisionist. The revision was filed against the summoning order dated 15.1.1990 in criminal case No. 5/90 by the Munsif Magistrate Ranikhet district Almora. The order was passed on a written complaint filed by the respondent No.2. The summoning order was passed without recording the statement of the complainant under section 200 of the Code of Criminal Procedure and from the impugned order dated 15.1.90 it does not appear that the case fall in the category of the cases as provided by the proviso to section 200 Code of Criminal Procedure. Considering this the summoning order was not legally passed and the same deserve to be set aside.

The petition is therefore allowed and the summoning order dated 15.1.1990 is set aside. The learned Magistrate may proceed to pass appropriate order on the written complaint after complying with the provisions of Chapter XV of the Code of Criminal Procedure.

**(Irshad Hussain, J.)**

Dated 8-9-2003
ISB